

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

WILLIAM ALLEN and	)	
ELIZABETH ALLEN	)	
	)	
Plaintiff,	)	
	)	
	)	Case No. 3:22-cv-102
	)	
vs.	)	
	)	
LIGHTNING XPRESS, INC.	)	
	)	
Defendant.	)	
	)	

**PETITION FOR REMOVAL**

Defendant, Lightning Xpress, Inc., by and through its attorney, Stephen M. Brandenburg of CAMELI & HOAG, P.C., files this Petition for Removal pursuant to 28 U.S.C. § 1441. The basis for removal is as follows:

1. On March 10, 2021, Plaintiff William Allen was involved in an alleged incident in which his forklift fell from the loading dock as the semi-tractor and trailer operated by an employee of Lightning Express, Inc. pulled away from the loading dock. Plaintiff William Allen has allegedly sustained serious and permanent injuries as a result of said incident.

2. On June 14, 2022, William Allen and Elizabeth Allen filed a Complaint in the Spencer County Circuit Court entitled, *William Allen and Elizabeth Allen v. Lightning Xpress, Inc.*, Cause No. 74C01-2206-CT-000246, seeking the recovery of damages from Lightning Xpress, Inc. for the March 10, 2021, incident.

3. Pursuant to 28 U.S.C. § 1446(a), a true and accurate copy of Plaintiffs' Complaint is attached to the Petition for Removal as Exhibit A.

4. Plaintiffs' Complaint against Defendants alleges claims of negligence for an alleged vehicular injury that the Plaintiffs claim caused William Allen to sustain serious and permanent injuries resulting in medical expenses, lost wages, pain and suffering, and disability. Additionally, Plaintiff Elizabeth Allen allegedly sustained a loss of consortium.

5. On June 24, 2022, Defendant sent a letter to Plaintiffs' counsel seeking a stipulation that the damages in this matter would not exceed \$75,000.

6. June 30, 2022, Plaintiffs' counsel sent an e-mail response denying Defendants' request for stipulation providing an indication that he believed that the damages in this matter would, in fact, exceed \$75,000.

7. As such, there is reasonable evidence to reach the conclusion that the damages in this matter may exceed the \$75,000 jurisdictional limit.

8. As such, there is a reasonable basis to conclude that the amount in controversy in this matter exceeds the \$75,000 jurisdictional limit.

9. Defendant Lightning Xpress, Inc. properly appeared in the state court matter.

10. Defendant Lightning Xpress, Inc. is a Michigan corporation with its principal office and registered agent located at 22205 Park Street, Dearborn, Wayne County, Michigan. Accordingly, pursuant to federal law, Lightning Xpress, Inc., is considered to be a citizen of the state of Michigan.

11. Plaintiff William Allen is an individual permanently domiciled and resides solely in Evansville, Indiana. Accordingly, pursuant to federal law, Plaintiff William Allen is considered to be a citizen of the state of Indiana.

12. Plaintiff Elizabeth Allen is an individual permanently domiciled and resides solely in Evansville, Indiana. Accordingly, pursuant to federal law, Plaintiff Elizabeth Allen is considered to be a citizen of the state of Indiana.

13. Since the Plaintiffs and Defendant are “citizens” of different states, there is complete diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332(a).

14. This Court has original jurisdiction over the underlying state court case pursuant to the provisions of 28 U.S.C. § 1332. This action may be removed pursuant to the provisions of 28 U.S.C. § 1441 and § 1446 because the matter in controversy exceeds the sum of \$75,000 exclusive of costs and interests, and is between citizens of different states.

15. Defendant has given written notice of the filing of this Petition for Removal to all attorneys of record and the Clerk of the Spencer Circuit Court.

WHEREFORE, Defendant, Lightning Xpress, Inc., petitions this Honorable Court for the entry of an Order removing the above-captioned lawsuit from the Spencer County Circuit Court, Indiana, to the United States District Court for the

Southern District of Indiana, pursuant to 28 U.S.C. §§1332, 1441, and 1446.

Respectfully submitted,

By: /s/ Stephen M. Brandenburg

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*Counsel for Lightning Xpress, Inc.*

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the above and foregoing document was served on this 13th day of July, 2022, via the Court's CM/ECF system to all counsel of record.

/s/ Stephen M. Brandenburg